

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
PITTSBURGH

DAVID WONTAE FITZGERALD,

Plaintiff,

vs.

RANDY RUSSELL, CAPTAIN (BUTLER  
COUNTY PRISON); AND REISER,  
CORRECTIONAL OFFICER (BUTLER  
COUNTY PRISON);

Defendants,

2:22-CV-00853-CRE

**MEMORANDUM ORDER**

On March 17, 2023, Plaintiff filed a Supplemental Motion for Additional Discovery. (ECF No. 39). Therein, Plaintiff asserts video footage of the incident was provided, but it “does not depict all relevant portions of the incident in question.” *Id.* at ¶¶2, 4. According to Plaintiff, it “does not depict the meal feed.” *Id.* at ¶6. In response, Defendants state that [a]ll video of the incident in question has been produced” and that while the video does not show the passing out of trays, “Plaintiff has received all of the materials” and “the video produced is the video that exists. There is nothing more that could be produced.” (ECF No. 41, ¶¶2, 4, 6-7). The Court has no reason to doubt counsel’s assertion regarding the same. Therefore, Plaintiff’s Motion (ECF No. 39) is denied to this extent.

Plaintiff further requests a copy of the “inmate grievance” he filed on the “kiosk machine.” *Id.* at ¶8. In response, Defendants state that all grievances have been produced but will “double-check” and, if such a document exists, it will be produced. (ECF No. 41, ¶8). Accordingly, Plaintiff’s Motion (ECF No. 39) is granted to the extent that Defendants must double-check to see

if such inmate grievance document exists and, if so, must provide the same to Plaintiff by 4/28/2023.

DATED this 17<sup>th</sup> day of April, 2023.

BY THE COURT:

s/Cynthia Reed Eddy  
United States Magistrate Judge

cc: *Attorney[s] for Defendants*  
*via electronic filing*

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